



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

July 17, 2000

MEMORANDUM FOR THE ATTORNEY GENERAL

FROM: Robert Raben   
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SUBJECT: Weekly Report for July 17, 2000 - July 21, 2000

THE WEEK AHEAD

**Bellows Report:** On July 17, Randy Bellows will brief the Senate Select Committee on Intelligence staff (Shelby, Chair) on FISA issues in his report; he will brief staff of the Senate Judiciary Committee (Hatch, Chair) and the Senate Governmental Affairs Committee (Thompson, Chair), along with Senator Thompson, on July 18.

On July 10, the General Accounting Office staff (with Q clearances) began review of a redacted copy of the Bellows report at the Department. Review continued throughout the week.

**Commerce, Justice, State Senate Appropriations:** On July 18, the Senate Appropriations Committee (Stevens, Chair) is scheduled to mark up H.R. 4690, a bill to make appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2001. (Daley)

**FISA/CIPA bill:** A views letter on proposed amendments to the Classified Information Procedures Act continued to be reviewed by CRM and OIPR and at the end of last week was still pending OMB clearance.

The Intelligence Authorization Act for Fiscal Year 2001 is being marked up in a closed hearing on July 18. (Walter)

**Meeting with the Offices of Senators Daschle and Johnson:** On July 18, representatives of the Associate Attorney General's Office, the Office of Tribal Justice, and the Office of Legislative Affairs will meet with staff for Senators Daschle and Johnson to discuss CIRCLE grant developments at Pine Ridge, specifically a comprehensive strategy for addressing crime on the reservation. (Ho)

**Prescription Drugs:** On July 18, representatives of the Associate Attorney General's Office, the Civil Division, and the Office of Legislative Affairs will meet with majority and minority staff from the Senate Finance Committee (Roth, Chair) to discuss anti-fraud provisions DOJ would like in the Medicare prescription drug benefit bill the Committee is currently drafting. (Pearlman)

**Internet Deregulation and Web Information Privacy:** On July 18, the House Judiciary Committee (Hyde, Chair) will hold a hearing on H.R. 1686, the Internet Freedom Act, and H.R. 1685, the Internet Growth and Development Act of 1999. (Owen)

**Meeting with Senator Feinstein's Office:** On July 19, representatives of the Office of Tribal Justice and the Office of Legislative Affairs will meet with staff for Senator Feinstein to brief them on the Department's various Indian initiatives and programs in California. (Ho)

**DNA Grants Bill:** On July 19, the House Judiciary Committee (Hyde, Chair) is scheduled to mark up H.R. 4640, a bill to provide grants to states to reduce backlogs of DNA samples awaiting analysis and for other related purposes. (Graupensperger)

**Immigration:** On July 19, two immigration bills are scheduled for consideration by the House Judiciary Committee (Hyde, Chair). The first bill, H.R. 2883, streamlines the process for naturalizing foreign-born adopted children and makes their citizenship retroactive to their birth. The Department supports the intent of the bill, but strongly opposes the provisions that retroactively grant citizenship. We instead support a similar bill sponsored by Congressman Delahunt that does not make citizenship retroactive. A views letter on both bills is currently at OMB for clearance.

The second bill amends the Immigration and Nationality Act to increase the penalties for alien smuggling. We support all of this bill except the mandatory minimums it imposes. We have previously sent a views letter on this bill.

On July 20, the House Judiciary Committee's Subcommittee on Immigration and Claims (Smith, Chair) is holding a hearing on The Battered Immigrant Women Act, which the Department in large part supports. Barbara Strack, Acting Executive Associate Commissioner for Policy and Programs at INS will testify for the Department. H.R. 3083 restores many of the protections ~~battered immigrants gained in the 1994 Violence Against Women Act, but lost as a result of the~~ immigration and welfare acts passed in 1996. (First)

**Campaign Finance:** On July 20, the House Government Reform Committee (Burton, Chair) will hold a hearing focusing on the April interviews of the President and Vice President, and the access of the Vice President to a transcript of his interview. The Committee has indicated that it will subpoena AAG Jim Robinson of the Criminal Division, AAG Robert Raben of the Office of Legislative Affairs, DAAG Alan Gershel of the Criminal Division, and Campaign Financing Task Force head Robert Conrad. (Tanner)

The Department will continue to work with Senate Judiciary Committee staff (Hatch, Chair) in responding to document requests and hearing follow up, including coordinating responses to questions received from Senator Leahy to Lee Radek, Joe Gangloff, and Larry Parkinson. (Walter).

**Abortion:** On July 20, the House Judiciary Committee's Subcommittee on the Constitution (Canady, Chair) will hold a hearing on H.R. 4292, the Born-Alive Infants Protection Act of 2000, which attempts to define when fetus' are considered "born alive" at which time, under the bill they would be considered "children" or "persons". The Department has not been asked to testify. H.R. 4292 is currently circulating the Department for comment. (First)

**Congressional ADA Seminar:** On July 20, the Offices of Senators Harkin and Jeffords are hosting a seminar on the ADA and its requirements for Congressional staff. The Department is providing assistance and materials to these offices to prepare for the seminar. Further, Liz Savage of the Civil Rights Division will speak at the seminar on technical issues related to the ADA. (Ho)

**Nursing Homes:** On July 20, staff from OLA and CIV will meet with staff from the Senate Select Committee on Aging (Grassley, Chair) to discuss how the Department is using the False Claims Act to combat fraud in the nursing home industry. (Pearlman)

**VAWA:** Reauthorization of the Violence Against Women Act has passed both the House and Senate Judiciary Committees. Sponsors of the bills are now working to bring the bills to the House and Senate floors without opposition. (First)

**Nominations:** We anticipate that the next nominations hearing will take place shortly after district court nominees for Arizona are sent to the Senate. Senator Kyl will chair that hearing. (Scott-Finan)

**Federal Prison Industries:** H.R. 2558, a bill to amend title 18 U.S. Code, to reform federal prison industries, will be on the agenda of the House Judiciary Committee (Hyde, Chair) for markup this week again. We do not anticipate that the Committee will act on the measure. We have been advised that Congressman Hoekstra's staff has drafted a revised measure and circulated that measure to labor groups for review. (Scott-Finan)

**Reauthorization of DOJ:** OLA is coordinating the review of a draft bill to reauthorize the Department. OLA and JMD expect to meet with the House Judiciary Committee (Hyde, Chair) some time this week. (Owen)

**Religious Liberty:** The Department is working on a draft letter in support of S. 2869, a bill to protect religious liberties, proposed by Senator Hatch and Senator Kennedy. (Owen)

**Extraterritorial Jurisdiction Legislation:** The House is expected to vote on H.R. 3380 early this week. This bill would provide federal criminal law jurisdiction over crimes committed by civilians accompanying the U.S. military in foreign countries. (Graupensperger)

**Disabled Naturalization Path:** Senator Hatch has introduced a bill which allows you to waive the naturalization oath for those who are too disabled to take it. This bill is currently circulating the department for comment. (First)

**Public Safety Cooperation Act:** On July 25, the Senate Health, Education, Labor and Pensions Committee (Jeffords, Chair) will hold a hearing on S. 1016, a bill that would require each state to create minimum collective bargaining rights for their public safety officers to use in workplace negotiations with local municipalities. (Scott-Finan)

**FOIA Request:** On July 26, the House Government Reform Committee (Burton, Chair) plans to call a hearing on the Department's July 1995 response to a request for information under the Freedom of Information Act. The Department advised the requestor that we had no criminal records regarding a certain individual. The Committee has advised that they will issue subpoenas to Richard Huff, Co-Director of the Office of Information and Price, John Schmidt, former Associate Attorney General and John Hogan, former Chief of Staff to the Attorney General. (Tanner)

**ADA Commemoration Hearing:** On July 26, the Senate Committee on Health, Education, Labor, and Pensions (Jeffords, Chair) will hold a hearing entitled "The Americans with Disabilities Act: Opening the Doors to the Workplace" to celebrate the ADA's tenth anniversary. Liz Savage of the Civil Rights Division will testify on behalf of the Department. (Ho)

**Internet Gambling Prohibition Act:** The House has scheduled H.R. 3215, the Internet Gambling Prohibition Act, for the suspension calendar. The Administration is opposed to this bill. (Daley)

**Telecom Mergers:** The Department will continue to work this week with House and Senate staff contacts on pending legislation (S. 467 and H.R. 4019), and will work with Commerce and the White House on briefings for Senate Commerce Committee staff (McCain, Chair) on the pending Hollings telecom merger bill. (Walter)

On July 14, the Department and FBI attended an interagency meeting follow up meeting called by the National Economic Council to plan response to the telecom merger bill recently introduced by Senator Hollings before recess.

On July 11, the Department and FBI met with House Commerce Committee staff (Bliley, Chair) to discuss H.R. 4019, which would eliminate the Department's ability to condition FCC licenses to foreign telecommunications companies on company compliance with law enforcement and national security interests.

On July 11, the Department and FBI also met with Senate Select Committee on Intelligence staff (Shelby, Chair) to brief them on our concerns about S. 467, a bill pending at the desk that would create deadlines for FCC telecom merger review decisions that would hamper the ability to ensure law enforcement and national security interests are addressed adequately.

On July 10, Senate Judiciary Committee staff (Hatch, Chair) sent the Department draft revisions to S. 467 to address the Department's national security and law enforcement concerns; the language was circulated for comment.

**Peter Lee:** Senator Specter may issue his report on the Peter Lee case this or next week; Democratic members of the Senate Judiciary Committee (Hatch, Chair) plan to issue their own report at the same time. Copies of both drafts were circulated in the Department for comment. (Walter).

#### **THE WEEK IN REVIEW**

**Loral:** On July 14, the Department, with a representative from the U.S. Attorney's Office for the District of Columbia, met with Senate Judiciary staff (Hatch, Chair) to discuss case management issues in the open grand jury investigation of the Loral/Hughes technology transfer. No follow up meeting between Committee members and AAG Robinson/US Attorney Wilma Lewis has been requested at this time.

The Department has been asked to provide answers to questions that came up in the July 14 meeting with Senate Judiciary staff (Hatch, Chair); these will be coordinated inside the Department and with the Committee this week. (Walter)

**Leak Statute:** On July 14, the Department sent over to the Senate Select Committee on Intelligence (Shelby, Chair) cleared revisions to leak prosecution provisions contained in the pending Intelligence Authorization bill. (Walter)

**USMS Oversight:** On July 13, the House Judiciary Committee's Subcommittee on Crime (McCollum, Chair) held a hearing on U.S. Marshals Service oversight. The hearing focused on judicial security and protection, fugitive apprehension and prisoner transport. USMS Director John Marshall, USMS Acting Assistant Director of the Judicial Security Division Donald Donovan, USMS Assistant Director of the Investigative Services Division Robert Finan II, USMS Acting Assistant Director of the Justice Prisoner and Alien Transportation System Kenneth Pekarek, and USMS Marshal of the District of Maryland George McKinney testified. (Daley)

**Crime Related Issues:** On July 13, the House Judiciary Committee's Subcommittee on Crime (McCollum, Chair) held a hearing on H.R. 4423, the Probation Officers' Protection Act and H.R. 3484, the Child Sex Crimes Wiretapping Act. FBI Deputy Assistant Director of the Criminal Investigation Division David R. Knowlton testified on H.R. 3484. (Graupensperger)

**Wen Ho Lee Trial:** Defense counsel for Wen Ho Lee have requested the Senate Judiciary (Hatch, Chair), Armed Services (Warner, Chair), Intelligence (Shelby, Chair), and Government Affairs Committees (Thompson, Chair) to provide them certain committee-generated materials. Senate Legal Counsel contacted the Department on July 13 to discuss how the Senate plans to respond. (Walter)

**Bureau of Indian Affairs Oversight Hearing:** On July 12, the Senate Indian Affairs Committee (Campbell, Chair) held an oversight hearing on the Bureau of Indian Affairs and General Accounting Office reports on risk management and tort liability. The Committee requested that the Department testify on discrete legal issues raised in the reports regarding coverage of Indian contractors under the FTCA. In response to the Committee's request, Deputy Associate Attorney General Ethan Posner testified on behalf of the Department. (Ho)

**Civil Rights Division Oversight Hearing:** On July 12, the House Judiciary Committee's Subcommittee on the Constitution (Canady, Chair) held an oversight hearing on the Civil Rights Division. Acting Assistant Attorney General Bill Lann Lee testified on behalf of the Department. (Ho)

**Prisoner Health Co-Pay:** On July 11, the House Judiciary Committee (Hyde, Chair) did not act on H.R. 1349, a bill to amend title 18 U.S. Code, to combat the over utilization of prison health care services and control rising prisoner health care costs. It will be on the agenda for markup again this week.

**Los Alamos:** On July 11, the House Commerce Committee (Bliley, Chair) held a hearing on security issues at Los Alamos. Committee staff had requested witnesses from DOE, whom the Department and FBI believe should not be interviewed while the FBI's investigation into the missing hard drives is incomplete; at the Department's and FBI's request the Committee has deferred temporarily its request to speak to these individuals. (Walter)

**Bulletproof Vests:** On July 11, the House Judiciary Committee (Hyde, Chair) approved H.R. 4033, a bill to reauthorize the existing Bulletproof Vest Partnership Grant program, by unanimous consent. (Graupensperger)

**Educational Benefits for Families of Slain Officers:** On July 11, the House Judiciary Committee (Hyde, Chair) approved H.R. 2059, a bill to expand an existing program to allow spouses or children of slain law enforcement officers to obtain financial assistance for higher education, by unanimous consent. (Graupensperger)

**Small Business Merger Fee Reduction:** On July 11, the House Judiciary Committee (Hyde, Chair) approved H.R. 4194, a bill to raise the dollar threshold for filing premerger notice under the Hart-Scott-Rodino Act and to raise the filing fee for the largest transactions. The Department supports the bill as approved by the Committee. (Slover)

**Radiation Exposure:** On July 10, S. 1515, the Radiation Exposure Compensation Act Amendments, was signed into law. (Pearlman)